

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

Served: July 23, 1992

FAA Order No. 92-52

In the Matter of:

THOMAS A. BECK

Docket No. CP91EA0424

ORDER GRANTING EXTENSION OF TIME

By order issued June 12, 1992, the Administrator construed Respondent Thomas A. Beck's notice of appeal as an appeal brief, and granted Complainant thirty-five days to file a reply brief.^{1/} The Administrator indicated in the order that Respondent could not submit additional appellate arguments.

By motion dated July 15, 1992, Complainant asserts that a letter written by the agency attorney representing Complainant at the hearing may have misled Respondent regarding appeal procedures.^{2/} Complainant states that Respondent may have

^{1/} See In the Matter of Thomas A. Beck, FAA Order No. 92-39 (June 15, 1992).

^{2/} After Respondent failed to appear at the hearing scheduled in his case, Administrative Law Judge Burton S. Kolko affirmed the civil penalty sought in the complaint. The law judge instructed the agency attorney to advise Respondent of his appeal rights. The agency attorney

(Footnote 2 continued on next page.)

interpreted that letter to mean that both his notice of appeal and appeal brief were due within 10 days of the initial decision. Accordingly, Complainant suggests that the Administrator may want to grant Respondent additional time to present his appellate arguments.

Complainant requests that the due date for its reply brief be set for 35 days from the service date of any additional brief by Respondent, if permitted by the Administrator. In the alternative, Respondent requests a 35-day extension of time in which to file a reply brief.

If Respondent misunderstood his appeal rights based upon his reading of the letter, he may not have had sufficient time to prepare his appeal brief. Therefore, Respondent may file an additional appeal brief within 30 days from the service date of this order. Complainant's reply brief is due within 60 days from the service date of this order, regardless of whether Respondent submits additional arguments.


Accordingly, Complainant's request for an extension of time in which to file its reply brief is granted pursuant to 14 C.F.R. § 13.233(e)(2). Complainant's reply brief is now due to be filed no later than September 21, 1992.

(Footnote 2 continued from previous page.)

sent Respondent a letter on the same day as the hearing. In that letter the agency attorney explained that Respondent had 10 days to file an appeal, but failed to mention that Respondent had 50 days to file an appeal brief. See 14 C.F.R. § 13.233(c).

Respondent's additional appeal brief is due to be filed no later than August 24, 1992.

THOMAS C. RICHARDS, ADMINISTRATOR
Federal Aviation Administration



JAMES S. DILLMAN*
Assistant Chief Counsel

Issued this 22nd day of July, 1992.

* Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated January 29, 1990, pursuant to 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202. See 55 Fed. Reg. 15094 (April 20, 1990).